



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

DA 04-3060
Released: September 24, 2004

WIRELESS TELECOMMUNICATIONS BUREAU'S BROADBAND DIVISION DISMISSES PLEADINGS RELATED TO DISMISSED MDS AND ITFS APPLICATIONS

On July 29, 2004, the Commission released a *Report and Order and Further Notice of Proposed Rule Making* that fundamentally restructured the band to provide Multipoint Distribution Service (MDS) (renamed the Broadband Radio Service (BRS)) and Instructional Television Fixed Service (ITFS) renamed the Educational Broadband Service (EBS)) licensees with greater flexibility, and took numerous steps to promote competition, innovation, and investment in wireless broadband services and educational services.¹ Among other actions, the Commission directed the Wireless Telecommunications Bureau to dismiss all pending applications to modify MDS or ITFS stations (including booster and hub stations), except for modification applications that could change an applicant's protected service area (PSA), or applications for facilities that require separate application under the rules adopted in the *MDS/ITFS R&O & FNPRM*.² The Commission took this action because it was instituting geographic area licensing for BRS and EBS licensees and such applications will generally be unnecessary.³

Based upon a review of our records, we have determined that the pleadings or legal matters listed in the Appendix relate to applications that have been dismissed pursuant to the Commission's directive or seek reinstatement of applications that will no longer be needed under the new BRS/EBS rules. Accordingly, we will dismiss those pleadings

Accordingly IT IS ORDERED that pursuant to Sections 4(i), 309, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, 405, and Sections 1.106 of the Commission's Rules, 47 C.F.R. §§ 1.106, the pleadings listed in the Appendix to this Public Notice, and all responsive pleadings, ARE DISMISSED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§0.131, 0.331.

Action by the Deputy Chief, Broadband Division, Wireless Telecommunications Bureau

¹ Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *et al.*; WT Docket Nos. 03-66, *et al.*, *Report and Order and Further Notice of Proposed Rulemaking*, 19 FCC Rcd 14165 (2004) (*MDS/ITFS R&O & FNPRM*).

² *Id.*, 19 FCC Rcd at 14191 ¶ 58.

³ *Id.*

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APPENDIX – GRANTED WAIVER REQUESTS

Petitioner	Type of Pleading	Applicant (If not Petitioner)	File Number	Call Sign (if applicable)	Date Pleading Filed
North American Catholic Educational Programming Foundation, Inc.	Petition to deny	Clark County School District	20000818DLB	WNC851	4/2/2001
Allan Leeds	Petition for reconsideration		20000818BTQ	KNSC404	3/15/2002
DCT Los Angeles, LLC	Petition to deny	Southern Wireless Video, Inc.	9950144	WPW94	2/19/1999
Duval County School Board	Waiver Request		20031028AAB	WLX922	3/31/2003
American Telecasting, Inc.	Petition to deny	Centimeter Wave Television, Inc.	20030604AAA		8/18/2003
California Human Development Corp.	Petition to deny	Butte County Office of Education	20030529AAB	WND221	8/5/2003
School Board of Broward County	Informal Objection	Miami-Dade County	20030523AAC	WEF376	7/31/2003
AIG Radio Holding Company, Inc.	Informal Objection	Grand Wireless Company	20030922AAE		12/30/2003